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09/886,895	06/21/2001	Carl N. Baron	NOR/1006	6116
37172	7590	06/18/2009	EXAMINER	
WOOD, HERRON & EVANS, LLP (NORDSON) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				OSMAN, RAMY M
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CARL N. BARON

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Appeal 2008-005138  
Application 09/886,895  
Technology Center 2400

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Decided:<sup>1</sup> June 16, 2009

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Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and, ST.  
JOHN COURTENAY, III, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

## STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from claims 1-3 and 5-7. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### *Invention*

A user may log into a remote computer 26 (Fig. 1) having a web browser 28. Web server 20 on host PC 13 may publish the web site on the Internet or Intranet 24. The web server 20 may restrict a user's access to web screens associated with controls (associated with controller 14) by examining the IP (Internet Protocol) source address of the user's transmission. (Spec. 7:1 - 8:3.)

### *Representative Claim*

1. A method of regulating network access to selected functions of a controller of a machine, comprising:

coupling a controller of a machine to a network having a web server configured to publish a plurality of web screens configured to control selected functions of the controller, the controller being operatively coupled to and independent of the web server;

publishing web screens on the network via the web server for receipt by at least one remote computer coupled to the web server via the network;

identifying at the web server a network address of a user accessing the web server via the network; and

restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user.

*Prior Art*

The Examiner relies on the following references as evidence of unpatentability.

Papadopoulos	US 6,282,454 B1	Aug. 28, 2001
Shannon	US 6,233,618 B1	May 15, 2001

*Claims and Examiner's Rejections*

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Papadopoulos and Shannon.

Claims 4 and 8 have been withdrawn from consideration due to a requirement for restriction.

A rejection of claims 1 and 5 under 35 U.S.C. § 112, second paragraph, has been withdrawn by the Examiner (Ans. 2).

*Claim Groupings*

Based on Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1. *See* 37 C.F.R. §§ 41.37(c)(1)(vii).

**FINDINGS OF FACT**

*Papadopoulos*

Papadopoulos describes an Internet web interface for a programmable logic control system. Abstract.

Figure 2 depicts the web site 4 having a web server 30, which provides the website home page. The web server 30 provides a direct connection for a programmable logic controller (PLC) 32 to the Internet. Col. 4, ll. 7-24.

Access to web server 30 is protected by a password and user list. Col. 4, ll. 16-21.

*Shannon*

Shannon teaches an access control technique for information content.  
Abstract.

Access control may be provided by a software program on a network device interconnected between a first and second computer network. The network device may be a proxy server, bridge, router, or firewall. Col. 3, ll. 36-45.

In a preferred embodiment, network device 100 (Fig. 1; not labeled) sits between LAN (local area network) 40 and WAN (wide area network; e.g., Internet) 45. The network device serves as the “gateway” through which all data communications must pass between networks 40 and 45. The gateway may be located at an Internet service provider, or within a corporate or other institutional environment. Col. 5, l. 51 - col. 6, l. 3.

Each client computer 50 through 53 (Fig. 1) is associated with a machine address (e.g., Internet Protocol address) to identify the source of an information request. Col. 7, ll. 1-40. *See also* Figure 3 data packet 300, “Source” field 302.

For access control decisions, network device 100 is configured with access control data stored in databases 203, 204, and 208 (Fig. 1). Col. 6, ll. 28-34.

## PRINCIPLES OF LAW

“[W]hen a patent ‘simply arranges old elements with each performing the same function it had been known to perform’ and yields no more than one would expect from such an arrangement, the combination is obvious.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 417 (2007) (quoting *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 282 (1976)).

## ANALYSIS

Appellant submits that in the claimed invention the access control function is performed by the web server that publishes the web screens, rather than an intermediate “gateway” device as taught by Shannon. (Br. 13.) Appellant further contends that incorporating the access control system of Shannon into the control system of Papadopoulos would destroy “the intended purpose and function” of Shannon. According to Appellant, the “intended purpose and function” of Shannon is “to process requests from a client *prior to* forwarding the request to a WAN for processing by a server.” (*Id.*)

As identified in the foregoing Findings of Fact section, Shannon teaches that access control may be managed by software on a network device such as a proxy server, bridge, router, or firewall, which may reside at an Internet service provider, or within a corporate or other institutional environment. We therefore disagree that the “intended purpose and function” of Shannon is to process requests from a client prior to forwarding the request to a WAN.

Further, Papadopoulos teaches the safeguard, at the web server, of a password and user list. The ordinary skilled artisan would have appreciated

that Shannon's teachings with respect to an additional level of security would be applicable to the Papadopoulos system. The access control software taught by Shannon can reside at many different locations, according to the express teachings of Shannon. The only practical limitation is that the software be in a device positioned such that the software can examine each data packet that is intended for the destination for which access control is desired. We find nothing unexpected or surprising, to one of ordinary skill in the art, that the examination may take place "at the web server" as claimed. In other words, the invention as argued represents a simple arrangement of old elements with each performing the same function it had been known to perform, yielding no more than one would expect from such an arrangement, and thus would have been obvious. *See KSR*, 550 U.S. at 417.

We are therefore not persuaded of error in the rejection of instant claim 1. We sustain the § 103 rejection of claim 1. Claims 2, 3, and 5 through 7 fall with claim 1.

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Application 09/886,895

## DECISION

The rejection of claims 1-3 and 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Papadopoulos and Shannon is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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